

OGC HAS REVIEWED.

Approved For Release 2002/11/15 : CIA-RDP86-00244R000200550004-1

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OGC 72-1176

10 August 1972

MEMORANDUM FOR: Deputy Director for Support

SUBJECT: Relationships with the National Capital
Planning Commission (NCPC)

1. You have requested this office to consider whether it is necessary for the Agency to comply with the laws and regulations pertaining to NCPC in connection with the proposed construction of a garage in the Headquarters area.

2. An argument can be made that we are not bound by law so to comply, but I am of the opinion that such an argument should not be advanced on the basis of legal technicalities for the following reasons.

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4. Since we are not otherwise exempted from the laws setting forth the functions of the NCPC, and our situation in regard to construction at Headquarters does not differ from that of other departments and agencies, we would at least not have the support of the Comptroller General in asserting exemption on the basis of our funds authorities. I think the natural result might well be a feeling in Congress, particularly in our own subcommittees, that this was not a proper exercise of those authorities.

5. The other basis for arguing that we need not comply with the NCPC requirements lies in the language of the NCPC statute, which provides in part, "After such consultation and suitable consideration of the views of the Commission the agency may proceed to take action in accordance with its legal responsibilities and authority." Technically, we could take the position that we have had adequate consultation and can, therefore, proceed without further compliance with the regulations. Undoubtedly, this would antagonize the NCPC and all those who support its functions, whereas it is my understanding that the Commission and its staff have been cooperative and helpful. Furthermore, if we can get its support for a master plan, however speculative, this would be helpful if there are attempts by other potential users to have us surrender land in the Headquarters area which we may need for future development.

6. This is a situation where it seems clearly advantageous to work with the system and where a contrary course would bring additional publicity and criticism on the Agency. On the same reasoning, it would appear to be highly desirable to continue with the construction in cooperation with the General Services Administration on the normal procedure of advertising, bid, and award. No aspect of this construction proposal appears to justify negotiated or sole-source contracts. Also, if and when the almost inevitable environmental question is raised, GSA and NCPC will be in the forefront rather than this Agency

LAWRENCE R. HOUSTON
General Counsel

cc: D/Logistics
D/Finance
Assoc Gen Coun

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MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : Submission to the National Capital Planning Commission

1. We are now ready to go back to the National Capital Planning Commission for approval of the final plans for the motor pool garage which is to be built at the Headquarters Building. When the Commission approved our preliminary plans at its August 1971 meeting it also stated as a requirement that the Agency should submit with the final garage plans a preliminary master plan for the Langley site. Such a plan has been prepared even though we recognize and will so tell the Commission and its staff that there is no thought of implementing it in the foreseeable future.

2. NCPC timing requires that the master plan be submitted 6 weeks prior to the date of the proposed hearing at which it is to be considered. This means that we will send that plan covered by the attached letter to NCPC not later than 16 September. The final motor pool garage papers will be sent NCPC by 1 October. The approval NCPC committee will have these on its agenda for 1 November and they will be considered by the Commission on 2 November. Assuming approval by the Commission, invitations to bid should

be issued about 7 November with the opening bids taking place one month later. The garage is expected to cost approximately \$1 million. Funds in this amount were transferred to GSA in November 1971.

3. The publicity potential of these action is recognized but it is hoped that the actual publicity will be very limited. As you see from the attached letter we are asking again that the committee and the Commission deal with the garage and the preliminary site plan in the executive session. In addition we will discuss our concerns with the Commission's Executive Director and other staff members and again enlist their assistance in this matter. Further we intend to update Mr. Rufus Phillips, the Fairfax County Supervisor responsible for this area. Finally we will work up with Mr. Thuermer a publicity "annex" prior to the Commission hearing.

4. The National Capital Planning Commission was created by an act of Congress in 1924. While it does not have the final directive authority it is a very influential body. The Commission consists of 5 members appointed by the President and seven ex-officio members. The current incumbents are:

Presidential Appointees:

Chairman - Ben Reifel (Former Congressman from ^{South DAKOTA} ~~Oklahoma~~)
1st Vice Chairman - Paul Thiry
2nd Vice Chairman - Charles C. Johnson, Jr.
Edmund W. Dreyfuss
Mrs. Scott Heuer, Jr.

Ex-officio Members:

Thomas F. Eagleton
John L. McMillan
Hon. Walter E. Washington
Lt. Gen. Frederick J. Clarke
George B. Hartzog, Jr.
Arthur F. Sampson
R. R. Bartelsmeyer

5. It is requested that you approve our proceeding as outlined above including the submission of the attached letter to the Commission.

John W. Coffey
Deputy Director
for Support